IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 20486 of 2004

Between:

T.Ramachandra Reddy, s/o T.Gurava Reddy,
o/o the Executive Engineer, Water Works Division, TTDs, Tirumala,
r/o D.No.19-12-15, Bairagipatteda, Tirupati, Chittoor District.

..... PETITIONER

AND

1 The TTD Trust Board represented by its Chairman, Tirupati, Chittoor.
2 The Executive Officer, Tirumala Tirupati Devasthanams,
Tirupati, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction particularly one in the nature of writ of certiorari calling for the records in proceedings Roc.No.DA1/42850/94 DT.31-08-98 of the second respondent as confirmed in Proc.Roc.No.B2/38367/98 dated 08-09-2003 and quash the same as illegal, arbitrary and contrary to the rules.

Counsel for the Petitioner:MR.M.PANDURANGA RAO

Counsel for the Respondents: MR.P.SURESH REDDY

The Court at the admission stage, made the following :

HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION No. 20486 of 2004

ORDER:

Petitioner is working as a Superintendent in the Office of the second respondent. A disciplinary action was initiated against him and a final order was passed by the second respondent on 31.08.1998 imposing a punishment of stoppage of two increments with cumulative effect. The said order was passed subsequent to the amendment to AP Civil Service Conducting Rules (CC & A) Rules, 1991 came into force. The petitioner being aggrieved by the order of the second respondent dated 31.08.1998 preferred an appeal before the first respondent on 30.10.1998. The appeal was dismissed through an order dated 08.09.2003. The petitioner therefore, approached this Court through this writ petition challenging the order of the second respondent dated 31.08.1998 which was confirmed by the first respondent through the order dated 08.09.2003.

2. Under Act 30 of 1987 (Endowments Act), there is a statutory remedy provided to the petitioner to file an appeal before the Government against the order of the first respondent. The petitioner without preferring an appeal to the Government approached this Court through this writ

petition. Since the petitioner has a statutory remedy, provided under Section 120 of the Act, it would be appropriate to direct the petitioner to approach the Government through an appeal.

3. The writ petition is accordingly disposed of, without going into the merits directing the petitioner to approach the Government through an appeal under Section 120 of the Act by raising all the tenable pleas before the said authority. The period taken for preferring this writ petition shall be excluded for the purpose of limitations.

November 8, 2004.

KVR

To

1 The TTD Trust Board represented by its Chairman, Tirupati, Chittoor.
2 The Executive Officer, Tirumala Tirupati Devasthanams,
Tirupati, Chittoor District.

3 Two C.D.Copies.